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(c) drying said above ground tissues, and

(d) recovering Ni from said above ground tissues.

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13. (Once Amended) A nickel hyperaccumulating plant of the *Alyssum* genus selected from the group consisting of *A. murale*, *A. pintodasilvae*, *A. malacitanum*, *A. lesbiacum*, *A. fallacinum*, *A. argenteum*, *A. tenium* and *A. heldreichii*, having a concentration of nickel in its above-ground tissues of over 1000 mg per kg gross dry weight of the above-ground tissues, wherein the plant is produced by a method comprising at least the following step:

growing the plant in a soil maintained under soil conditions such that the concentration of calcium in the soil is from about 0.128 mM to about 5 mM and the pH is below about 7.0 until such time that the concentration of nickel in the above-ground tissues is over 1000 mg per kg gross dry weight of the above-ground tissues.

14. (Once Amended) A nickel hyperaccumulating plant of the *Alyssum* genus having (1) a concentration of nickel in its above-ground tissues of over 1000 mg per kg gross dry weight of the above-ground tissues, and (2) a concentration in its above-ground tissues of at least one other metal selected from the group consisting of Co, Pd, Rh, Ru, Pt, Ir, Os and Re, wherein the plant is produced by a method comprising at least the following step:

growing the plant in a soil maintained under soil conditions such that the concentration of calcium in the soil is from about 0.128 mM to about 5 mM and the pH is below about 7.0 until such time that the concentration of nickel in the above-ground

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tissues is over 1000 mg per kg gross dry weight of the above-ground tissues, and the concentration in the above-ground tissues of at least one other metal is achieved.

Please add the following new claims.

15. (New) The method of claim 1, wherein the concentration of Ni in the above ground tissues of said plant is at least 2.5% gross dry weight of the above-ground tissues.

16. (New) The nickel hyperaccumulating plant of claim 13, wherein the concentration of nickel in the above-ground tissues is at least 2.5% based on the gross dry weight of the above ground tissues.

17. (New) The nickel hyperaccumulating plant of claim 14, wherein the concentration of nickel in the above-ground tissues is at least 2.5% based on the gross dry weight of the above ground tissues.

#### REMARKS

Claims 1-10, 13 and 14 are currently pending. In this Preliminary Amendment, Applicants amend claims 1, 13 and 14, and add new claims 15-17.

Support for the amendments to claims 1, 13 and 14 can be found, *inter alia*, on page 4 of the specification as filed. No new matter has been added.

Applicants submit that the recitation as to the concentration of Ni in the above-ground tissues of the hyperaccumulating plant being at least 2.5% is not necessary for